



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
8800 Glacier Highway  
Suite 106  
Juneau, Alaska 99801-8079

PUBLIC NOTICE DATE: February 21, 2006

EXPIRATION DATE: March 22, 2006

REFERENCE NUMBER: POA-2004-1499-4

WATERWAY NUMBER: Gastineau Channel

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States (U.S.) described below and shown on the attached plans.

**APPLICANT:** Mr. Hugh Grant, 5165 Glacier Highway, Juneau, Alaska 99801

**LOCATION:** The proposed project is located on Lot 1, Block A, Bellevue Subdivision, Villa Gastineau Condominiums; in the NW ¼, NW ¼ of Section 26, T. 41 S., R. 67 E., Copper River Meridian; Latitude 58.290° North, Longitude 134.417° West, Juneau B-2 Alaska Quadrangle; at 2600 Douglas Highway, Juneau, Alaska.

**WORK:** Discharge approximately 613 cubic yards of fill materials and 231 cubic yards of rip-rap materials into approximately 0.13 acres of waters of the U.S., including wetlands. Approximately 2,557 square feet (0.058 acres) of this area is below the High Tide Line (HTL) in Gastineau Channel, and approximately 3,127 square feet (0.072 acres) is comprised of adjacent wetlands. The fill work would also include the installation of a 115 foot x 24 inch culvert to extend the current drainage from the adjacent highway ditch into Gastineau Channel. Work would be accomplished as per the attached plans and drawings, sheets 1-5, dated January 31, 2006.

**PURPOSE:** The purpose of the proposed project is to create a suitable building area to allow for construction of a condominium project, and to correct drainage and erosion problems that are currently occurring on the property.

**ADDITIONAL INFORMATION:** For additional information on this proposed project, please contact the applicant's agent, Mr. Dave Hanna, Post Office Box 20834, Juneau, Alaska 99802-0834, telephone (907) 723-1902.

**MITIGATION:** As a result of pre-application coordination, the applicant has incorporated into the proposed project the following mitigation efforts to reduce impacts to the aquatic environment:

- a. Install and maintain 115 feet of siltation fencing between the proposed project and Gastineau Channel, during the placement of the fill materials and until the fill has settled.

- b. All proposed fill work below the HTL line would be accomplished during periods of low tides when the site is dewatered.
- c. Use of filter fabric beneath the rip-rapping to prevent erosion and undercutting of the rip-rap by tidal and wave actions.

**WATER QUALITY CERTIFICATION:** A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

**COASTAL ZONE MANAGEMENT ACT CERTIFICATION:** Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

**CULTURAL RESOURCES:** The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

**TRIBAL CONSULTATION:** The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

**ENDANGERED SPECIES:** The project area is within the known or historic range of the Humpback whale and Stellar Sea Lion.

No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

**ESSENTIAL FISH HABITAT:** The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

**SPECIAL AREA DESIGNATION:** None.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Garth Zimbelman at (907) 790-4490, or by email at [Garth.A.Zimbelman@poa02.usace.army.mil](mailto:Garth.A.Zimbelman@poa02.usace.army.mil), or by contacting [regpagemaster@poa02.usace.army.mil](mailto:regpagemaster@poa02.usace.army.mil) if further information is desired concerning this notice.

**AUTHORITY:** This permit will be issued or denied under the following authorities:

- ( ) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

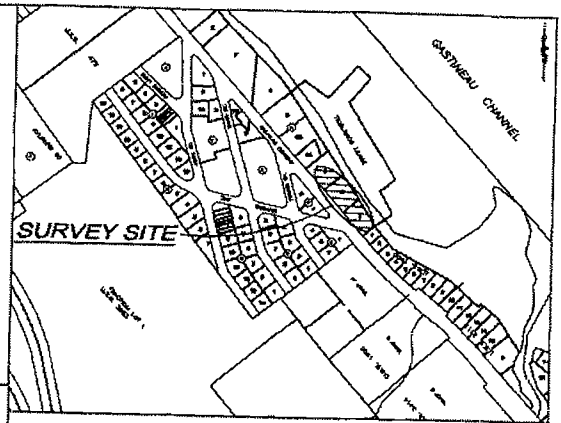
District Engineer  
U.S. Army, Corps of Engineers

Attachments

# **QUANTITIES**

TOTAL AREA: 5,879 sq. ft., 3,127 sq. ft. WETLANDS, 2,557 sq. ft. BELOW HTL  
 WETLAND FILL AREA "A" QUANTITIES FILL MATERIAL 63.3 cubic yds  
 NON FROST SUSCEPTIBLE D-1 GRAVEL  
 WETLAND FILL AREA "B" QUANTITIES FILL MATERIAL 90.7 cubic yds  
 NON FROST SUSCEPTIBLE D-1 GRAVEL  
 TOTAL FILL AREA: 613 cubic yards  
 RIP RAP FILL: 231 cubic yards 2' minus ROCK  
 FABRIC AMOUNT: 1,875 sq. ft.  
 SILT FENCE: 115' L.F.  
 CULVERT 24": 115' L.F.

SCALE: 1" = 40'



LOTS 1,2,3 BLOCK A  
 BELLVIEW SUBDIVISION, JUNEAU  
 SCALE 1" = 1,000'

**DOUGLAS HIGHWAY**

TO DOUGLAS

TO JUNEAU - DOUGLAS

NEW MH#2  
 PROPOSED 24" CULVERT  
 WETLAND FILL AREA "A"

**LOT 2**

TERRY HARVEY  
 B349 P784  
 PLAT # 85-104  
 DOUGLAS HIGHWAY  
 JUNEAU, ALASKA

**LOT 1-A**

PROPOSED PARKING DECK

PROPOSED 3 STORY CONDO

PROPOSED 3 STORY CONDO

**LOT 1**

EXISTING ROCK EMBANKMENT

NEW MH#3

HTL EL = 20.8

TOP OF BANK

BOTTOM OF BANK

MHW EL = 15.4'

TIDE LAND LEASE

(S 29°59'45" E - 52.59')

(S 37°21'30" E - 7.25')

(N 45°25'30" E - 57.85')

WETLAND FILL AREA "B"

TOP OF FILL SLOPE

EXISTING ROCK EMBANKMENT

TOP OF BANK

BOTTOM OF BANK

HTL EL = 20.8

**GASTINEAU CHANNEL**

TIDAL EBB AND FLOW

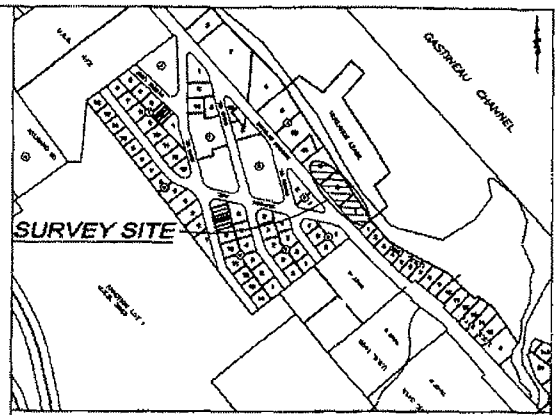
**G.B.J. LEASE NO. 013  
 TRACT "B"**

(N 37°45'00" W - 130.00')

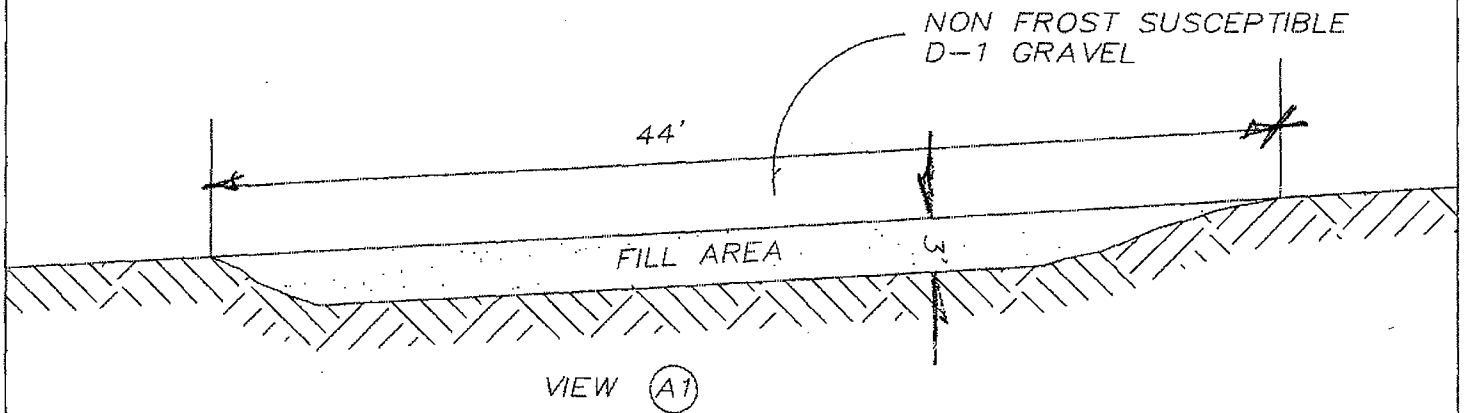
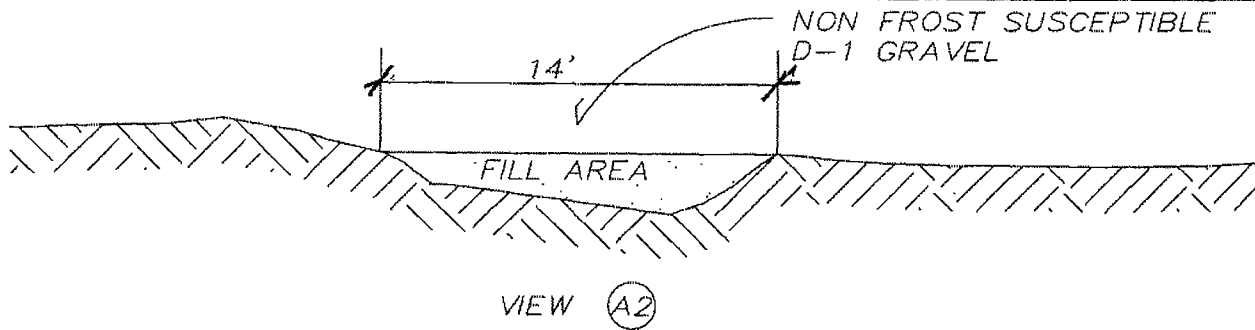
(N 44°14'30" E - 60.00')

**PROPOSED  
 WET LANDS FILL AREA  
 SCALE 1" = 40'**

NAME: HUGH GRANT  
 PROJECT: WET LAND FILL  
 LOCATION: SEC. 26, T 41S, R67E, C.R.M  
 WATERBODY: GASTINEAU CHANNEL  
 SHEET: 1 of 5  
 DATE: 31 JAN 2006

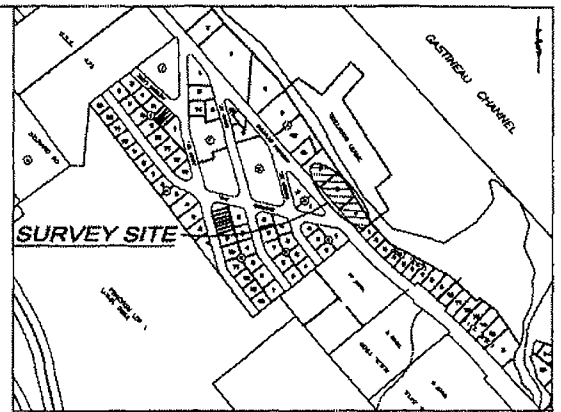


LOTS 1,2,3 BLOCK A  
BELLVIEW SUBDIVISION, JUNEAU  
SCALE 1" = 1,000'

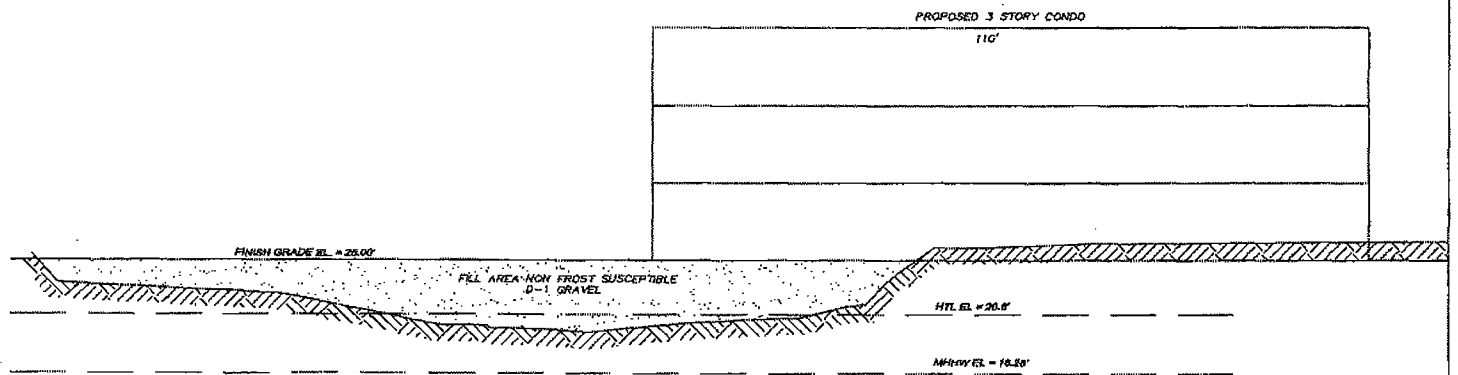


## WETLAND FILL AREA "A" ELEVATION VIEW

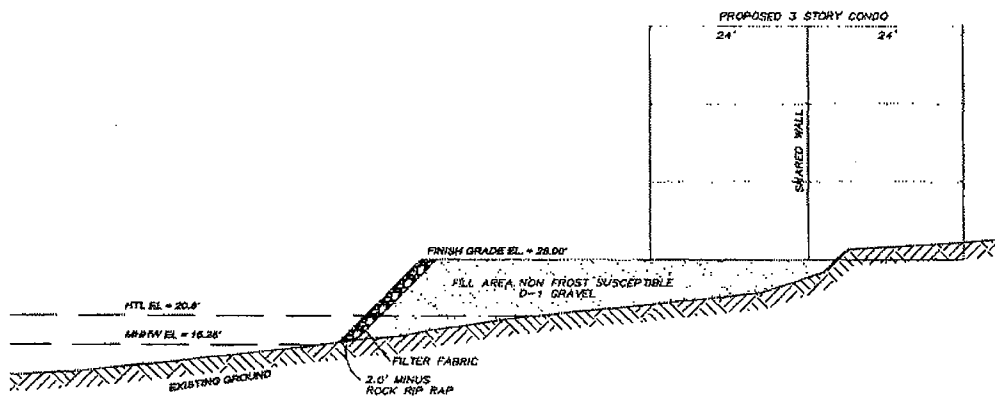
NAME: HUGH GRANT  
PROJECT: WET LAND FILL  
LOCATION: SEC. 26, T 41S, R67E, C.R.M.  
WATERBODY: GASTINEAU CHANNEL  
SHEET: 2 of 5  
DATE: 31 JAN 2006



LOTS 1,2,3 BLOCK A  
BELLVIEW SUBDIVISION, JUNEAU  
SCALE 1" = 1,000'



VIEW (B2)



VIEW (B1)

## WETLAND FILL AREA "B" ELEVATION VIEW

NAME: HUGH GRANT  
PROJECT: WET LAND FILL  
LOCATION: SEC. 26, T 41S, R67E, C.R.M.  
WATERBODY: GASTINEAU CHANNEL  
SHEET: 3 of 5  
DATE: 31 JAN 2006





SCALE 1" = 40'

SURVEY SITE

LOTS 1,2,3 BLOCK A  
BELLVIEW SUBDIVISION, JUNEAU  
SCALE 1" = 1,000'

DOUGLAS HIGHWAY

TO DOUGLAS

TO JUNEAU - DOUGLAS

US8

1900

LOT 2

TERRY HARVEY  
B349 P784  
PLAT # 85-104  
DOUGLAS HIGHWAY  
JUNEAU, ALASKA

LOT 1-A

LOT 1

EXISTING ROCK EMBANKMENT

EXISTING ROCK EMBANKMENT

TIDE LAND LEASE

GASTINEAU CHANNEL

TIDAL EBB AND FLOW

G.B.J. LEASE NO. 013  
TRACT "B"

EXISTING SITE  
SCALE = 1" = 40'

NAME: HUGH GRANT  
PROJECT: WET LAND FILL  
LOCATION: SEC. 26, T 41S, R67E, C.R.M  
WATERBODY: GASTINEAU CHANNEL  
SHEET: 5 of 5  
DATE: 31 JAN 2006

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

### DEPT. OF ENVIRONMENTAL CONSERVATION

#### DIVISION OF AIR AND WATER QUALITY

Non-Point Source Control Section

401 Certification Program

### NOTICE OF APPLICATION

FOR

### STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2004-1499-4 (Gastineau Channel), serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
410 Willoughby Avenue  
Juneau, Alaska 99801-1795  
Telephone: (907) 465-5321  
FAX: (907) 465-5274

Attachment 1

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF PROJECT MANAGEMENT & PERMITTING

ALASKA COASTAL MANAGEMENT PROGRAM  
302 GOLD STREET, SUITE 202  
JUNEAU, ALASKA 99801-1127  
PHONE: (907) 465-3562/FAX: (907) 465-3075

NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-2004-1499-4 (Gastineau Channel), will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program (ACMP). Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting (OPMP). For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the OPMP web site at <http://www.dnr.state.ak.us/opmp/>